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JOHN TENNISON

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 JOHN TENNISON,

15 Plaintiff,

16 v.

17 CITY AND COUNTY OF
SAN FRANCISCO; SAN FRANCISCO
18 POLICE DEPARTMENT; PRENTICE EARL
SANDERS; NAPOLEON HENDRIX, and
19 GEORGE BUTTERWORTH

20 Defendants.

Case No. C 04-00574 CW

Consolidated with
Case No. C 04-01643 CW

**STIPULATION AND JUDGMENT FOR
GEORGE BUTTERWORTH AND
AGAINST JOHN TENNISON**

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STIPULATION AND PROPOSED JUDGMENT FOR BUTTERWORTH

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

RECITAL

On February 2, 2006, this Court granted in part Defendant George Butterworth's motion for summary judgment, dismissing Plaintiff John Tennison's claims against Butterworth and holding that "[t]he only remaining claim against Butterworth is Goff's Brady claim for suppression of the Ricard confession." Docket 482 at 93-94; *see also* Docket 496 (Amended Order re summary judgment) at 92.

Tennison did not pursue an interlocutory appeal of this Court's ruling on summary judgment.

Defendants Butterworth, Hendrix, and Sanders did appeal this Court's ruling on summary judgment. Specifically, Butterworth appealed this Court's ruling permitting "Goff's Brady claim for suppression of the Ricard confession" to go forward. *See* Docket 485 (Butterworth Notice of Appeal) and 490 (Hendrix and Sanders Notice of Appeal).

The Ninth Circuit heard oral argument in this case on July 12, 2007, at 9:00 a.m.

On September 22, 2008, pursuant to a request by Plaintiff Antoine Goff, the Ninth Circuit ordered Butterworth's appeal dismissed, remanded Goff's claims against Butterworth to this Court for the limited purpose of entering judgment against Goff and in favor of Butterworth, and ordered the remaining appeals resubmitted.

On September 22, 2008, this Court entered judgment against Goff and in favor of Butterworth. Docket 550.

It appears that the Court has not yet entered judgment in favor of Butterworth as to Tennison's claims that were dismissed on February 2, 2006 by this Court's Order regarding summary judgment.

Tennison and Butterworth agree that it is appropriate and proper for judgment against Tennison and in favor of Butterworth to be entered.

STIPULATION

For the forgoing reasons, the parties, through their undersigned counsel, stipulate and agree to entry of judgment against Plaintiff John Tennison and for Defendant George

Butterworth;

The parties further agree that each party shall bear its own costs associated with this action.

IT IS SO STIPULATED.

Dated: October 16, 2008

KEKER & VAN NEST, LLP

By: /s/ Steven P. Ragland
STEVEN P. RAGLAND
Attorneys for Plaintiff
JOHN TENNISON

Dated: October 16, 2008

OFFICE OF THE CITY ATTORNEY

By: /s/ Christine Van Aken
CHRISTINE VAN AKEN
Attorneys for Defendant
GEORGE BUTTERWORTH

FILER'S ATTESTATION

I, Steven P. Ragland, the filer of this document, hereby attest that concurrence in the filing of this document has been obtained from each signatory hereto.

By: /s/ Steven P. Ragland
STEVEN P. RAGLAND

JUDGMENT

GOOD CAUSE showing, it is hereby ordered and adjudged that Judgment is hereby entered in favor of George Butterworth and against John Tennison on Tennison's entire claim against Butterworth and that each party shall bear his own costs of action.

IT IS SO ORDERED.

Dated: 10/21
_____, 2008



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE